

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 14TH DECEMBER 2006 / 23RD AGRAHAYANA 1928

Bail Appl..No. 7407 of 2006()  
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CRIME NO.83/03 OF SHORNOOR POLICE STATION

: PETITIONERS/ACCUSED:  
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GIRIJA, RESIDING AT UNNI NIVAS,  
VALLAMKODU DESOM, KALLIYOOR,  
THIRUVANANTHAPURAM.

BY ADV. SRI.R.T.PRADEEP

RESPONDENTS: COMPLAINANT:  
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THE STATE OF KERALA, REPRESENTED BY  
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,  
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 14/12/2006, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

V.RAMKUMAR, J.

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B.A.No. 7407 OF 2006  
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**DATED THIS THE 14TH DAY OF DECEMBER, 2006**

**O R D E R**

Petitioner, a lady, who is the first accused in Crime No.83/03 of Shornur Police Station for offences punishable under sections 380, 461 and 413 read with section 34 IPC for allegedly inducing the de facto complainant to part with gold ornaments weighing 53.50 grams under the guise of special pooja, seeks anticipatory bail.

2. The case is now pending before the committal court, viz, J.F.C.M., Ottappalam as C.P.59/05. Consequent on the alleged non-appearance of the petitioner before that court on 18.1.2006, her bail bond has been cancelled and non-bailable warrants of arrest have been issued against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time, if the petitioner had lawful excuse for her non-appearance before the committal court on 18.1.2006 as alleged, she should be given an opportunity to offer explanation for her non-appearance. There

is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which it is filed, after examining the explanation offered by the petitioner for her previous non-appearance.

With this direction, this petition is disposed of.

V.RAMKUMAR, JUDGE

dsn